

May 6, 2004

May Sixth

20-----04

The regular May Meeting of Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, Albert K. "Buddy" Rawley, Jr., Sherman M. Saunders, and H. Phillip Smith (8). Vice-Mayor R. Wayne Williams, Jr. was absent (1).

Staff members present were City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, Assistant City Manager for Utilities Joseph C. King, Assistant City Manager for Government Affairs Todd M. Yeatts, Interim City Attorney W. Clarke Whitfield, Jr., and Clerk of the Council Annette Y. Crane, CMC.

Other Staff members present were Economic Development Director Ron Bunch, Public Works Director Rick Drazenovich, and Planning Director Ken Gillie.

Mayor Hamlin presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Saunders offered the Invocation. The Pledge of Allegiance to the Flag followed.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Hamlin issued a proclamation naming May 16-22 as "Business Appreciation Week 2004." He presented a certificate to Economic Development Director Ron Bunch and asked Mr. Bunch to let the business community know that businesses and industries in the region are very much appreciated.

Public Works Director Rick Drazenovich presented a report on enforcement of the Junkyard and Automobile Graveyard Ordinance that was passed last year and became effective July 1. Council Member Rawley had requested an update during the last Council Meeting.

Mr. Drazenovich had placed a written summary of his report at the desk of each Council Member. Mr. Drazenovich said originally there were 47 sites that came under the ordinance for junkyard and/or graveyard. They were notified in June 2003 and a reminder was sent in August. Enforcement began in Fall 2003. Current status indicates that 13 of the 47 have acquired or are on the verge of acquiring a license. Another 20 have opted to remove the junk and the inoperative vehicles. Others are well on their way to screening their sites. Six (6) site owners are presently going through the court system. These cases are in various stages of removal or screening vehicles.

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Mr. Drazenovich said all the cases should be resolved before the annual inspection in July.

Mr. Drazenovich called attention to a summary of code enforcement relating to trash accumulation, illegal dumping, overgrowth of weeds and inoperable vehicles. He reviewed cases over the past five years and said there was about 85-90% compliance on these matters. Already this year, there has been action on 165 overgrowths and 173 inoperable vehicles.

He encouraged citizens to call the Public Works office to report violations. A Code Enforcement Officer will investigate any complaints. There is an officer assigned to the north side of the City. Another officer takes care of the south side.

Council Member Rawley thanked Mr. Drazenovich for providing the information to Council Members.

COMMUNICATIONS FROM VISITORS

Carolyn H. LaViscount, a local member of the National Alliance for the Mentally Ill and a member of the State Board of Directors, appeared to request that City Council take the initiative in educating the public about the vital health issue of mental illness. Ms. LaViscount said she is a consumer of mental health services and that because ignorance and stigma remain concerning mental illness, she said there had been times when the mentally ill became involved with law officers. She said when there was a call for help, law enforcement officers answered the call. She said mental illness is not a law enforcement issue.

Ms. LaViscount asked that Council seek to implement crisis intervention training for law enforcement officials and that a program called "Breaking the Silence" be implemented in the school system. She said Danville is a caring and compassionate city and beseeched City Council to consider this issue.

Ms. LaViscount presented "Breaking the Silence" curriculum packets to the City Clerk for distribution to Council Members and thanked Council for allowing her to appear to address this issue.

Mayor Hamlin advised that there laptop computers are being installed in each patrol car of the Police Department. He said hopefully the officers would be able to communicate in a more efficient manner when matters such as this arise.

Council Member Saunders thanked Ms. LaViscount for her candor and for educating Council Members and the community at large.

Kimberly Ricketts appeared to request that E911 personnel let a caller know if the Danville Life Saving Crew will transport them to a healthcare facility or if another means of transportation would be used. Ms. Ricketts advised that on November 23, 2003, her

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husband was in need of such services and was told by E911 personnel that the Life Saving Crew was not available at that time. Ms. Ricketts said that a Regional One transport was dispatched to her home and her husband was transported to Danville Regional Medical Center. She advised that in a few days, she received a bill for almost \$500 from Regional One. Ms. Ricketts said this was completely unexpected and requested that a caller in need of emergency services should be informed that there would be a charge for ambulance services. The consumer could then decide if they wished to use the private service.

Mayor Hamlin thanked Ms. Ricketts for appearing. He advised that medical transport services in Danville are reviewed on an annual basis. He said Ms. Ricketts' request would be taken into consideration during the annual review.

MINUTES

Upon Motion by Council Member Daniels and second by Council Member Castiglione, Minutes of the April 20, 2004 Regular Council Meeting, April 20, 2004 Regular Council Work Session, and the Joint Budget Work Session of April 21, 2004 with City Council/Department Directors. Draft copies had been submitted to Council Members prior to the Meeting.

PUBLIC HEARING-BUDGET AMENDMENTS-FY 2003-2004

Mayor Hamlin announced that the following Budget Amendments (Items 2-5) had been previously discussed by Council and introduced for First Reading. The items will be further considered in the Public Hearing. After the hearing is closed, there would be no further discussion on the items and they would be enacted by one motion. If a Council Member or citizen desires discussion, the item would be removed from the consent process and considered separately.

Mayor Hamlin opened the floor for a Public Hearing to consider amendments to the FY 2003-2004 Budget Appropriation Ordinance. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 28, 2004. No one present desired to be heard and the Public Hearing was closed.

BUDGET ADOPTION - FY 2003-04 - COPS GRANT

Upon Motion by Council Member Luther and second by Council Member Rawley, Ordinance No. 2004-04.03 presented by its First Reading on April 20, 2004 amending the Fiscal Year 2003-2004 Budget Appropriation Ordinance by increasing revenue to anticipate the receipt of funds from the U. S. Department of Justice Office of Community Oriented Policing Services (COPS) Grant Administration Division in the amount of \$39,740 and appropriating same was adopted by the following vote:

VOTE: 8-0

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley,

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Saunders, and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

BUDGET ADOPTION- FY 2003-04-HIGHWAY SAFETY PROJECT GRANT

Upon Motion by Council Member Luther and second by Council Member Rawley, Ordinance No. 2004-04.04 presented by its First Reading on April 20, 2004 amending the Fiscal Year 2003-2004 Budget Appropriation Ordinance by increasing revenue to anticipate the receipt of funds from the Virginia Department of Motor Vehicles Highway Safety Project Grant in the amount of \$10,000 and appropriating same was adopted by the following vote:

VOTE: 8-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley,
Saunders, and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

BUDGET ADOPTION-FY 2003-2004-INCENTIVE PACKAGE – LUNA

Upon Motion by Council Member Luther and second by Council Member Rawley, Ordinance No. 2004-04.05 presented by its First Reading on April 20, 2004 amending the Fiscal Year 2003-2004 Budget Appropriation Ordinance by increasing revenues from the Tobacco Regional Opportunity Fund, the Governor's Opportunity Fund and a City Technology Enhancement Grant for the Luna Innovations Location Incentive Package for a total appropriation in the amount of \$900,000 and appropriating the same was adopted by the following vote:

VOTE: 8-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley,
Saunders, and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

BUDGET ADOPTION-FY 2003-2004-INCENTIVE PACKAGE - TELVISTA

Upon Motion by Council Member Luther and second by Council Member Rawley, Ordinance No. 2004-04.06 presented by its First Reading on April 20, 2004 amending the Fiscal Year 2003-2004 Budget Appropriation Ordinance by increasing revenues from the Tobacco Regional Opportunity Fund, the Governor's Opportunity Fund and a City Technology Enhancement Grant for the Telvista Innovations Location Incentive Package for a total appropriation in the amount of \$900,000 and appropriating the same was adopted by the following vote:

VOTE: 8-0

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AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley,
Saunders, and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

AMEND CITY CODE CHAPTER 27 – TRESPASS VIOLATIONS

Council Member Daniels moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-05.01

AN ORDINANCE AMENDING CHAPTER 27 OF THE DANVILLE CITY CODE BY
ADDING A NEW SECTION PERMITTING THE EMPOWERMENT OF THE POLICE
DEPARTMENT TO ENFORCE TRESPASS VIOLATIONS.

The Motion was seconded by Council Member Archie and adopted by the following
vote:

VOTE: 8-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley,
Saunders, and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

Council Member Luther asked that Council be provided a report in six months on how
the new trespass empowerment law is working.

APPOINT CLARKE WHITFIELD AS CITY ATTORNEY

Council Member Archie moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-05.02

AN ORDINANCE APPOINTING W. CLARKE WHITFIELD AS CITY ATTORNEY
FOR THE CITY OF DANVILLE; APPROVING AND AUTHORIZING EXECUTION
OF CITY ATTORNEY'S EMPLOYMENT AGREEMENT.

The Motion was seconded by Council as a Whole and adopted by the following vote:

VOTE: 8-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley,
Saunders, and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

PUBLIC HEARING-SCHOOL BOARD APPOINTMENTS

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Mayor Hamlin opened the floor for a Public Hearing to consider names of candidates for appointment to the School Board Trustees. Council Member Archie read the following names into the record: Timothy W. Harville, Evangelina Balmori, Hugh T. Mitchell, Jr., Ernestine I. Johnson, Thomas E. Cox, Malcom W. Huckabee, R. Helm Dobbins, Chin-Chyuan Tai, Edward C. Polhamus, and James A. Slade, Jr.

No other names were presented for consideration and the Public Hearing was closed,

Mayor Hamlin announced there would be a second public hearing during the May 18, 2004 Council Meeting.

SPECIAL USE PERMIT-DAY CARE CENTER-279 BELMEADE COURT

Mayor Hamlin opened the floor to consider an application for a Special Use Permit to operate a day care center at 279 Belmeade Court. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 22 and 29, 2004. No one present desired to be heard and the Public Hearing was closed.

Council Member Castiglione moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-05.03

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO OPERATE A CHILD DAY CARE CENTER AT 279 BELMEADE COURT SUBJECT TO CONDITIONS.

Council Member Daniels seconded the Motion.

Council Member Archie noted that in the Planning Report, the Planning Commission has expressed some concerns about logistics at the proposed day care center site. Mrs. Archie asked if the Planning Commission had been satisfied that these concerns had been properly addressed. Planning Director Gillie stated that the Permit was recommended since certain conditions had been agreed to by the applicant, such as adequate paved parking within a reasonable distance of the facility.

Council Member Luther asked if the building had met all building and fire code requirements. Mr. Gillie responded that an inspection of the facility had been completed and was deemed safe for housing a day care facility.

The Ordinance was adopted by the following vote:

VOTE:	8-0
AYE:	Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders, and Smith (8).
NAY:	None (0).
ABSENT:	Williams (1).

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SPECIAL USE PERMIT-SINGLE FAMILY DWELLINGS-RIVERSIDE DRIVE

Mayor Hamlin opened the floor for a Public Hearing to consider a request for a Special Use Permit to allow for the construction of detached single-family dwellings in an A-R Attached Residential District. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 22 and 29, 2004. The applicant, Gus Dyer, appeared to respond to questions from Council Members and citizens. No one further desired to be heard and the Public Hearing was closed.

Council Member Archie moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-05.04

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF DETACHED SINGLE-FAMILY DWELLINGS IN AN A-R ATTACHED RESIDENTIAL DISTRICT.

The Motion was seconded by Council Member Rawley and adopted by the following vote:

VOTE: 8-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley,
Saunders, and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

SPECIAL USE PERMIT-124 BROAD STREET-BED & BREAKFAST

Mayor Hamlin opened the floor for a Public Hearing to consider issuance of a Special Use Permit for operation of a Bed and Breakfast located at 124 Broad Street. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 22 and 29, 2004. No one present desired to be heard and the Public Hearing was closed.

Council Member Daniels moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-05.05

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO OPERATE A BED AND BREAKFAST AT 124 BROAD STREET SUBJECT TO CONDITIONS.

Council Member Archie seconded the Motion.

In response to Council Member Archie, Planning Director Ken Gillie stated the applicants understand that the property is located in a historic district and must comply with rules and regulations relating to historic district residences.

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The Ordinance was adopted by the following vote:

VOTE: 8-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley,
Saunders, and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

VACATE & ABANDON EXCESS RIGHT-OF-WAY-SOUTH MAIN STREET

Mayor Hamlin opened the floor for a Public Hearing to consider vacating excess right-of-way on South Main Street. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 22 and 29, 2004. No one present desired to be heard and the Public Hearing was closed.

Council Member Archie moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-05.06

AN ORDINANCE VACATING AND ABANDONING EXCESS RIGHT-OF-WAY ON SOUTH MAIN STREET.

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 8-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley,
Saunders, and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

ADVERTISE SALE OF SURPLUS PROPERTY-SOUTH MAIN STREET

Council Member Rawley moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-05.07

AN ORDINANCE DECLARING CERTAIN CITY-OWNED PROPERTY ON SOUTH MAIN STREET AS SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO ADVERTISE THE PROPERTY FOR SALE.

The Motion was seconded by Council Member Daniels and adopted by the following vote:

VOTE: 8-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley,

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Saunders, and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

AMEND CITY CODE CHAPTER 37-TAX ABATEMENT PROGRAM

Council Member Castiglione moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-05.08

AN ORDINANCE AMENDING CHAPTER 37 OF THE DANVILLE CITY CODE TO ALLOW FOR THE REAL ESTATE TAX ABATEMENT PROGRAM TO BE AVAILABLE TO STRUCTURES LOCATED WITHIN THE MILL, NORTH DANVILLE, AND HOLBROOK-ROSS HISTORIC DISTRICTS.

The Motion was seconded by Council Member Daniels and adopted by the following vote:

VOTE: 8-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley,
Saunders, and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

LAND ACQUISITION – PINEY ROAD RIGHT-OF-WAY

Council Member Archie moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-05.09

AN ORDINANCE AUTHORIZING ACQUISITION OF A PARCEL OF LAND LOCATED ON PINEY ROAD FROM GUY P. FOWLKES AS ADDITIONAL RIGHT-OF-WAY FOR PINEY ROAD.

The Motion was seconded by Council Member Castiglione and adopted by the following vote:

VOTE: 8-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley,
Saunders, and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

LAND ACQUISITION-2.05 ACRES-SOUTH BOSTON ROAD

Council Member Castiglione moved the adoption of an Ordinance entitled:

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ORDINANCE NO. 2004-05.10

AN ORDINANCE AUTHORIZING ACQUISITION OF 2.05 ACRES OF LAND LOCATED ON SOUTH BOSTON ROAD FROM THE TABERNACLE TO CONSTRUCT THE CAIN CREEK SEWER PUMPING STATION.

Council Member Archie seconded the Motion.

Public Works Director Rick Drazenovich advised the property was being purchased from the Tabernacle at the assessed value of \$13,500 per acre to construct a new sanitary sewer pumping station on the south side of South Boston Road near Cain Creek. Mr. Drazenovich said the pumping station would receive waste from the Joint Industrial Park and the Virginia International Raceway sewer force main.

Council Member Daniels felt the purchase price of \$27,770 was too much money for the property because it was an old sewerage lagoon. Mr. Daniels said he had recently observed that a car had gotten stuck in standing water in that area. He said the property should be appraised before it is purchased.

Council Member Smith stated the purchase of the property is vital to the development of the industrial park.

The Ordinance was adopted by the following vote:

VOTE: 7-1
AYE: Archie, Castiglione, Hamlin, Luther, Rawley,
Saunders, and Smith (7).
NAY: Daniels (1).
ABSENT: Williams (1).

COMMUNICATIONS

City Manager Gwaltney congratulated Clarke Whitfield on his appointment as City Attorney. He said he felt Council had made a great decision in choosing Mr. Whitfield.

Mr. Gwaltney announced that City Clerk Annette Crane had been accepted into the International Institute of Municipal Clerk's Master Municipal Clerks Academy. He said that out of 10,300 Municipal Clerks across the country, only about 1,700 Clerks had received the honor. He congratulated Ms. Crane on her achievement.

There was no communication from the Deputy City Manager.

Newly appointed City Attorney Clarke Whitfield thanked Council for the honor of serving in that capacity. He thanked them for allowing him to return home six years ago to serve as Assistant City Attorney and for their encouragement and support, especially over the past four months as Interim City Attorney. He introduced his wife, Jaci, his son,

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Whit, parents Wes and Vicky Whitfield, and brother Burl, who were present for the occasion. Daughter Ginger was participating in her dance recital and could not be present.

City Clerk Annette Crane offered congratulations to Mr. Whitfield and to the newly re-elected Council Members Castiglione, Daniels, Hamlin, Luther, and Saunders.

ROLL CALL

Council Member Archie congratulated City Clerk Crane on her achievement and Mr. Whitfield on his appointment as City Attorney.

Memorial Commission Chairperson Mrs. Archie advised the Memorial Commission had met concerning a request to rename a street in the Liberty View area on Wednesday, May 5. She said the recommendation of the Committee would be presented at the May 18 Council meeting.

Mrs. Archie congratulated all five incumbents who were re-elected to City Council on May 4.

Council Member Castiglione announced the DCC Baseball Team came in second at the State tournament. He praised the team members and the great coach. The team has been in the finals for each of the three years they have been in existence.

Mr. Castiglione thanked the citizens of Danville who took the time to vote. He said he deeply appreciated the support of citizens who re-elected him to City Council.

Mr. Castiglione said he was present for the Danville Anglers' Striper Tournament and was offered an opportunity for Council Members to take a tour along the Dan River. He asked Mayor Hamlin and City Manager Gwaltney to investigate the possibility of Council Members doing so.

Council Member Daniels congratulated City Clerk Crane and City Attorney Whitfield. He also congratulated his fellow Council Members on their re-election to City Council. He thanked all the citizens who came out and voted in the May 4 election. He said he appreciated the confidence citizens had placed in him by returning him to Council for another four years.

Mayor Hamlin said it had been a busy day for him. He attended National Day of Prayer services at St. Luke's United Methodist Church, was at Danville Regional Medical Center for National Nurses' Week activities and attended the 30th anniversary festivities at the Senior Citizens Center for the local AARP Chapter. He presented proclamations at all three events. He recalled the earlier proclamation presented to Ron Bunch for Business Appreciation Week.

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Mayor Hamlin offered his congratulations to newly re-elected Council Members and thanked voters for returning him to City Council for another term.

Mayor Hamlin announced that the American Heart Association had recognized Dr. Michael Moore, a local physician, as "Physician of the Year."

Mayor Hamlin announced that former City Treasurer Marie Neal had passed away today. Mrs. Neal served as City Treasurer for 21 years and offered condolences to Mrs. Neal's family and friends.

Council Member Luther said he was saddened to hear of Mrs. Neal's death. He announced funeral services would be conducted on Saturday, May 8, 11:00 a.m. at College Park Baptist Church.

Mr. Luther expressed appreciation to the voters for returning him to Council for another four-year term. He praised the efforts of Council Member Saunders, who demonstrated what it takes to win an election. Mr. Luther said Mr. Saunders had set a high water mark for future election campaigns.

Mr. Luther congratulated Ms. Crane and Mr. Whitfield on their achievements.

Council Member Rawley congratulated all eight candidates for City Council. Mr. Rawley said he was appreciative of the way all candidates conducted themselves during the campaign. He offered his congratulations to the five incumbents who won re-election.

He offered congratulations to Ms. Crane and Mr. Whitfield.

Mr. Rawley said he had lost a friend. Mr. Herbert Ware, who was employed with Dan River for many years, passed away this week. He extended condolences to the Ware family and friends.

Council Member Saunders congratulated Ms. Crane and Mr. Whitfield. He expressed sincere appreciation to those citizens who voted in the Councilmanic election on Tuesday. Mr. Saunders said he would continue to work hard and stated he really believed in One Danville, One People, One Community, and One Team for a better community.

Council Mr. Smith congratulated all City Council candidates on a good run and to those who were re-elected. He expressed congratulations to Ms. Crane and Mr. Whitfield, stating they do a great job for the City.

Mr. Smith advised he had received several comments from citizens over the past month relating to trash pickup. The complaints related to citizens calling for trash pickup and the amount of time elapsing before the trash is removed.

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Mayor Hamlin advised that Vice-Mayor Williams was out of town attending a wedding.

The Meeting adjourned at 8:45 P.M.

MAYOR

CLERK